

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 10, 1998
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING

The meeting was called to order by Deputy Mayor Wear at 10:12 a.m. The meeting was recessed by Deputy Mayor Wear at 10:54 a.m. to convene the Special Joint Council Meeting with the Redevelopment Agency to meet simultaneously with the Redevelopment Agency. The regular meeting was reconvened by Deputy Mayor Wear at 10:58 a.m. with Mayor Golding not present. Deputy Mayor Wear adjourned the meeting at 12:52 p.m.

ATTENDANCE DURING THE MEETING

- (M) Mayor Golding-excused by R-290984
(Other City business)
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (lw)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-not present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-not present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Pastor Elizabeth Guevara
of Glad Tidings Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Stevens.

PUBLIC COMMENT

ITEM-PC-1: REFERRED TO THE CITY MANAGER

Public comment by Alan Minton regarding Municipal Code
33.1542. Mr. Minton is the owner of a young adult
nightclub and requested the help of Council regarding
the code which prohibits young adults to attend a dance
without a parent or legal guardian. Mr. Minton has
also been in contact with Council Member Kehoe's
office.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A040-074.)

ITEM-PC-2: REFERRED TO THE MAYOR

Public comment by Rich Pearson regarding the settlement for damage done to his house resulting from a storm drain. He requested a formal hearing be set to settle this matter.

City Manager Uberuaga stated that his staff is currently having discussions with Mr. Pearson in an effort to settle this matter and will request the Mayor to put this issue on the next closed session agenda to allow staff to give a presentation to the Mayor and Council regarding the options and the status of the negotiations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A075-109.)

ITEM-PC-3:

Public comment by Roger Scott regarding police brutality. He said he is tired of the police harassing the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A110-133.)

ITEM-PC-4:

Public comment by Don Stillwell regarding, "who profits from debt?" He said it would be great if our government could make money off of interest like banks.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A134-153.)

ITEM-PC-5:

Public comment by Nancy Marie Sabo Casey regarding fathers and mothers with children and homeless shelters. She said the City needs a shelter for parents with children so the families will not be separated.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A154-171.)

COUNCIL COMMENT

ITEM-CC-1:

Council Member Mathis noted that November 10, 1998, is the 223rd anniversary of the birth of the Marine Corp.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A172-177.)

ITEM-CC-2:

Council Member Stevens thanked the voters for their wisdom and insight in voting for the projects on the ballot, especially for Proposition C and Proposition MM.

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FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A178-192.)

ITEM-CC-3:

Council Member Vargas thanked the volunteers in the City for getting out and painting over graffiti. Mr. Vargas also thanked the voters for approving Proposition MM.

Deputy Mayor Wear commented that he and Council Member Vargas stood on the same corner, on different mornings, holding signs in support of Proposition C and Proposition MM.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A193-210.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

10/05/98
10/06/98
10/12/98 Adjourned
10/13/98 Adjourned
10/19/98
10/20/98
10/26/98 Adjourned
10/27/98 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A211-215.)

MOTION BY STEVENS TO APPROVE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-31:

SUBJECT: AIDS Chaplaincy Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-99-486) ADOPTED AS RESOLUTION R-290903

Commending volunteers and clergy of the AIDS Chaplaincy Program for its ministry and outreach to the San Diego community affected by HIV/AIDS;

Proclaiming November 9, 1998 to be "AIDS Chaplaincy Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A218-263;
A364-367.)

MOTION BY WARDEN TO ADOPT ITEMS 31 AND 32. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-32:

SUBJECT: Proclaiming October 1998 to be "YMCA and SDG&E Character Development Month."

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-490) ADOPTED AS RESOLUTION R-290904

Proclaiming October 1998 to be "YMCA and SDG&E
Character Development Month in San Diego."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A264-315;
A364-367.)

MOTION BY WARDEN TO ADOPT ITEMS 31 AND 32. Second by
Mathis. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-33: RECOGNIZED

In the matter of Recognizing the Volunteers from the
City Clerk's Office and their Outstanding Contributions
to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A318-363.)

ITEM-34: DENIED REQUEST FOR HEARING OF THE APPEAL

SUBJECT: Request by Celeste Beach, for a hearing of an appeal
from the decision of the Planning Commission in
approving the Hillside Review Permit HRP- 98-0196.
(Gollaher Residence).

(HRP-98-0196. Peninsula Plan Area. District-2.)

TODAY'S ACTION IS:

A motion either granting or denying the request for a hearing of the appeal.

NOTE: Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, time has been reserved for the project to be heard on December 8, 1998 at 10:00 a.m.

SUPPORTING INFORMATION:

The appeal is being requested for a Hillside Review Permit HRP-98-0196 to construct a one and two story addition to an existing one story single-family residence located at 614 San Geronio Street.

The subject property is situated on a 0.48 acre site and is zoned R1-10,000/HR. The site is also located within the "Non-Appealable Area 2" designation of the Coastal Zone.

As proposed, the project is exempt from the requirements of a Coastal Development Permit because less than 50 percent of the existing walls will be removed from the structure, during construction (approximately 33 percent).

The neighborhood consists of one, two and three story single-family residences varying in height and scale and character.

The Planning Commission voted 7-0 to deny the appeal and approve the permit. Was opposition.

Ayes: Anderson, Butler, Skorepa, Steele, Stryker, Watson, White.

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The Peninsula Community Planning Board, Inc., has recommended approval of the project.

FILE LOCATION: PERM - 98-0196 (65)

COUNCIL ACTION: (Tape location: A388-398.)

MOTION BY McCARTY TO ADOPT THE MANAGER'S RECOMMENDATION, ALONG WITH THE PENINSULA COMMUNITY PLANNING BOARD, TO DENY THE REQUEST FOR A HEARING OF THE APPEAL. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-50:

SUBJECT: Amendments to the San Diego Municipal Code, Article 4 - Retirement System.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/19/98: (Council voted 9-0.)

(O-99-54) ADOPTED AS ORDINANCE O-18600 (New Series)

Amending Chapter II, Article 4, of the San Diego Municipal Code by amending Division 4 by amending the title, and by amending Section 24.0403; by amending Division 9 by amending Section 24.0910; by amending Division 10 by amending Section 24.1011; and by amending Division 13 by amending Section 24.1312, relating to the Retirement System.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-51:

SUBJECT: Curbside Recycling Processing Contract - Prohibiting Refuse in Recycling Containers.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/19/98: (Council voted 9-0.)

(O-99-62) ADOPTED AS ORDINANCE O-18601 (New Series)

Amending the San Diego Municipal Code by amending Chapter V, Article 4, Section 54.0202; Chapter VI, Article 6, Sections 66.0102, 66.0103, 66.0126, 66.0201, 66.0401, 66.0402, 66.0403, 66.0404, and by adding new Section 66.0406, all relating to Collection, Transportation and Disposal of Refuse and Recyclable Material.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-52:

SUBJECT: Border Public Safety Zone Ordinance.

(See Border Public Safety Zone Southern Division.)

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-99-32) INTRODUCED, TO BE ADOPTED NOVEMBER 24, 1998

Introduction of an Ordinance amending Chapter V,
Article 2, of the San Diego Municipal Code by adding
Division 60, relating to Public Safety in the Border
Zone.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 9/30/98, PS&NS voted 5-0 to recommend the City Council adopt the proposed ordinance. The City Manager was requested to: 1) Identify how much money is allocated in the budget for law enforcement along the Border, and 2) Pursue reimbursement costs from the Federal government for enforcement along the Border. Chairperson Warden also requested that the City Manager return to the Committee with a report on which law enforcement agencies are responsible for problems occurring along the Border. Deputy Mayor Wear added that the issue of developing safe transportation alternatives in the region should be referred to the Metropolitan Transit Development Board. (Councilmembers Wear, Stevens, Warden, McCarty and Vargas voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO INTRODUCE THE ORDINANCE.
Second by Mathis. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-100:

SUBJECT: Approving Parcel Map I.D. No. 97-132.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-482) ADOPTED AS RESOLUTION R-290905

Approving Parcel Map I.D. No. 97-132 including the
vacation of public service easements and Lemon Tree
Court.

CITY MANAGER SUPPORTING INFORMATION:

The project is located in the Mira Mesa Community Plan Area, north of Carmel Mountain Road and west of El Camino Real. The applicant has revised his project under a planned industrial development. This parcel map will consolidate and adjust lot lines to conform to the new project. It will also vacate Lemon Tree Court and an existing sewer and access easement, both of which are not needed for the new development. Lemon Tree Court is entirely contained within the project and therefore qualifies for a summary vacation. Staff finds that all modifications comply with the exist Planned Industrial permit and recommends approval of the map.

FILE LOCATION: STRT - J-2893 (39)

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-101:

SUBJECT: Easement Grant to SDG&E - Bordier's Nursery.

(San Pasqual Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-492) ADOPTED AS RESOLUTION R-290906

Approving the acceptance by the City Manager of an easement deed conveying to San Diego Gas and Electric Company, an easement for electrical service to a well pump on the Bordier's Nursery leasehold.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Gas and Electric has been requested to provide electrical service to a well located on the Bordier's Nursery leasehold, previously known as Pinery Tree Farm. The water from the well will be used exclusively for irrigating plants at the nursery. If approved, the easement for the above ground electrical facilities would be approximately 826 feet long and 12 feet wide. This easement would not affect any other property owner or lessee in the San Pasqual Valley. Pursuant to Administrative Regulation 25.30-2.3. SDG&E will not be charged for the easement because it would benefit a City lessee. According to San Diego Municipal Code Section 22.0907, no appraisal is required for a sale to a public agency.

FILE LOCATION: DEED F-7366

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-102:

SUBJECT: Grant Deed for Widening of Balboa Avenue.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-481) ADOPTED AS RESOLUTION R-290907

Authorizing the execution of a grant deed granting to the State of California a portion of Lot 1 of City Highlands Map-5594, so that the State of California may dedicate the land as and for public highway purposes.

CITY MANAGER SUPPORTING INFORMATION:

This action grants the State of California (CalTrans) a portion of City owned property for the widening of Balboa Avenue (State Highway 274). The property is located at the northeast corner of Balboa Avenue and Mercury Street, west of Highway 163. It is within the Kearny Mesa Community. The site is owned by the City of San Diego and leased to G & M Oil Inc. The lessee has obtained a Conditional Use Permit CUP-96-7161 to construct a gasoline service station. One of the conditions of approval (Item #25 of the CUP) is to grant an additional 12 feet of right-of-way on Balboa Avenue. The additional 12 feet is needed to accommodate the future redesign of the intersection of Balboa Avenue and Mercury Street. Because CalTrans regulates Balboa Avenue, it is necessary for the City, as owner, to grant the additional 12 feet of land for dedication as a public highway. CalTrans has offered to provide maintenance of the right-of-way. Therefore, a transfer of the site at no fee is recommended.

FILE LOCATION: DEED F-7367

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-103:

SUBJECT: Eastgate Mall (Genesee Avenue to Towne Centre Drive)
Underground Utility District.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-466) ADOPTED AS RESOLUTION R-290908

Calling a public hearing to determine whether the
public health, safety, or general welfare requires the
formation of the Eastgate Mall (Genesee Avenue to Towne
Centre Drive) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Under-grounding of City Utilities, and will underground the overhead utility facilities in the Eastgate Mall (Genesee Avenue to Towne Centre Drive) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required under-grounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral.

In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the under-grounding work approaches completion.

FILE LOCATION: STRT - K-259 (38)

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-104:

SUBJECT: Eastgate Mall (I-805 to Miramar Road) Underground
Utility District.

(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-468) ADOPTED AS RESOLUTION R-290909

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Eastgate Mall (I-805 to Miramar Road) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Under-grounding of City Utilities, and will underground the overhead utility facilities in the Eastgate Mall (I-805 to Miramar Road) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case-8209) to make reimbursement payments to affected property owners for a portion of the cost of their required under-grounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the under-grounding work approaches completion.

FILE LOCATION: STRT - K-258 (38)

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-105:

SUBJECT: University Avenue (Washington Street to Third Avenue)
 Underground Utility District.
 (Uptown Community Area. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-462) ADOPTED AS RESOLUTION R-290910

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the University Avenue (Washington Street to Third Avenue) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Under-grounding of City Utilities, and will underground the overhead utility facilities in the University Avenue (Washington Street to Third Avenue) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required under-grounding.

Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the under-grounding work approaches completion.

FILE LOCATION: STRT - K-261 (38)

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-106:

SUBJECT: West Point Loma Boulevard (Brighton Avenue to Sunset
Cliffs Boulevard) Underground Utility District.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-464) ADOPTED AS RESOLUTION R-290911

Calling a public hearing to determine whether the
public health, safety, or general welfare requires the
formation of the West Point Loma Boulevard (Brighton
Avenue to Sunset Cliffs Boulevard) Underground Utility
District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual
Allocation - Under-grounding of City Utilities, and will
underground the overhead utility facilities in the West Point
Loma Boulevard (Brighton Avenue to Sunset Cliffs Boulevard)
Underground Utility District. The formation of this district
will require the affected property owners to underground the
utilities which provide service to their property prior to
removal of the overhead utilities in the street. Council Policy
800-2 provides for the use of San Diego Gas and Electric
Company's Annual Allocation Funds (Case-8209) to make
reimbursement payments to affected property owners for a portion
of the cost of their required under-grounding.

Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the under-grounding work approaches completion.

FILE LOCATION: STRT - K-260 (38)

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-107:

SUBJECT: Street Vacation of a Portion of Olive Street East of 30th Street.

(Greater North Park Community Planning Area.
District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-476) ADOPTED AS RESOLUTION R-290912

Adoption of a resolution summarily vacating a portion of Olive Street east of 30th Street as more

particularly shown on Drawing No. 18801-B, in
accordance with Section 8300 et. seq. of the California
Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

The vacation of a portion of Olive Street east of 30th street has been requested by the adjacent property owner, John Gavares, in order to remedy a non-conforming situation involving a carport and shed in the right-of-way. The portion of Olive Street proposed for vacation totals .073 acres and is located in the Greater North Park Community Planning Area, in Council District 3, between 30th Street and 31st Street. No further development is planned for the area proposed to be vacated. A letter dated November 10, 1997 from the Greater North Park Community Planning Committee stated that they had no objections to the proposed vacation.

The portion of Olive Street proposed for vacation contains a water main and a sewer main, for which an easement will be reserved. Staff review of the vacation indicates that the required four findings of vacation can be made and recommends that the right-of-way be summarily vacated, with a sewer and water easement reservation.

FINDINGS: Staff review has indicated that the right-of way to be vacated may be summarily vacated and that the four required findings for vacation can be made.

FILE LOCATION: STRT - J-2891 (39)

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-108:

SUBJECT: Street Vacation of a Portion of Rushville Street.

(La Jolla Community Planning Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-470) ADOPTED AS RESOLUTION R-290913

Adoption of a resolution summarily vacating a portion of Rushville Street, as more particularly shown on Drawing No. 18835-B, in accordance with Section 8300 et. seq of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

The vacation of a portion of Rushville Street has been requested by the adjacent property owner in order to rectify an existing non-conforming condition of a laundry room addition having been built into the right-of-way by a previous owner. The street segment proposed for vacation is not utilized for right-of-way purposes and is landscaped and maintained by the property owner. The area of vacation totals 113.87 square feet (0.0026 acres) and is situated in an R-3000 zone. Current lot size is approximately 4300 square feet. On November 6, 1997 the La Jolla Community Planning Association voted unanimously to support the street vacation.

FINDINGS: Staff review has indicated that the right-of way to be vacated may be summarily vacated and that the four required findings for vacation can be made.

FILE LOCATION: STRT - J-2892 (39)

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-109:

SUBJECT: Acceptance of the School-To-Work Urban/Rural
Opportunities Grant for Empowerment Zones and
Enterprise Communities.

(San Diego High School Service Area. Districts-2 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-419) ADOPTED AS RESOLUTION R-290914

Authorizing the acceptance of a Department of Labor
Grant in the amount of \$537,561 for the School-To-Work
Urban/Rural Opportunities Grant for Empowerment Zones
and Enterprise Communities.

CITY MANAGER SUPPORTING INFORMATION:

The national School to Work initiative fosters an educational approach that combines advanced classroom courses and high academic standards with real life learning to prepare all students for college and the cutting edge jobs of the 21st Century. Programs are developed by local partnerships consisting of schools, employers, the work force development community, community based organizations, parents, etc. so that local economic realities can be incorporated into the programs. In May of 1998 the Department of Labor announced a funding opportunity for School to Work programs through its Urban and Rural Opportunities Grant Program. These funds were available only to Empowerment Zone/Enterprise Community partnerships. Because of the Enterprise Community involvement, City staff in the Economic

Development and Redevelopment Division joined the existing County wide School to Career Partnership and a proposal was tailored for an innovative School to Career Program at San Diego High School.

The proposal was submitted by the Work Force Partnership which had agreed to serve as the grant manager for the partnership. However, during the proposal review period, the City was informed by Department of Labor personnel that only the City could be the fiscal agent/grant manager because of the Enterprise Community involvement. Although the Manager had not intended to take this role, the Department of Labor was assured that the City would take this responsibility if the grant was awarded to this partnership. On October 1, the City was notified that San Diego had been awarded \$537,561. Therefore, the Manager is now requesting authorization from the City Council to accept these funds so that this much needed program can be implemented. Although the City will be the recipient and the fiscal manager, it is the Manager's intention to subcontract with the School District and/or the Work Force Partnership for implementation of the program as originally proposed. The program at San Diego High will include Career Readiness Academies for ninth and tenth graders, a school to career component at all the feeder elementary schools and middle schools, establishment of an up to date Career Center, advocate tutor mentors from San Diego City College, and increased workplace experience opportunities. The program will focus on finance and health careers and will complement a reorganization at the school which was promoted by recommendations from the San Diego Organizing Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-110:

SUBJECT: Spousal Abuser Prosecution Program Grant.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-447) ADOPTED AS RESOLUTION R-290915

Authorizing the City Attorney to apply for and accept a \$60,000 Spousal Abuser Prosecution Program (SAPP) Grant from the State of California Department of Justice, under the terms and conditions outlined in the letter dated September 15, 1998 to the City Attorney from Attorney General Daniel E. Lungren;

Declaring that the City agrees to hold the Department of Justice and the State of California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages and certifying that the City will not use the grant to supplant local expenditures.

SUPPORTING INFORMATION:

On November 13, 1994, the City Attorney's Child Abuse/Domestic Violence Unit received notification that they had been awarded a \$60,000 grant from the California Department of Justice for the prosecution of domestic violence cases. The money has been used to enhance the advocacy and investigative efforts of the Unit. On March 15, 1996, we were notified that a second year of funding had been approved. On June 28, 1996, we were notified that a third year of funding had been approved. On September 9, 1997, we were notified that a fourth year of funding had been approved. On September 15, 1998, we were notified that a fifth year of funding has been approved. The grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant agreement with the Department of Justice. It also indemnifies the Department of

Justice from any civil suits which might arise from the City Attorney's use of the funds and certifies that the City will not use the grant to supplant local expenditures.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-111:

SUBJECT: Environmental Enhancement Mitigation Program (EEMP)
Grant Applications.

(Carmel Valley, Mid-City and North City Future
Urbanizing Community Areas. Districts-1 & 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-424) ADOPTED AS RESOLUTION R-290916

Approving the application for grant funds for the
Environmental Enhancement and Mitigation Program under
Streets and Highways Code Section 164.56 for the Del
Mar Mesa Vernal Pool Acquisition and the Normal Heights
Park Acquisition.

CITY MANAGER SUPPORTING INFORMATION:

The Environmental Enhancement and Mitigation Program (EEMP) was established by the enactment of the Transportation Blueprint Legislation of 1989. The legislation states that the intent is

to allocate \$10,000,000 annually to this program for a 10-year period to Fiscal Year 2000-01, which funds projects that will specifically further mitigate the environmental impacts of a related transportation project. The funds are split 60 percent (\$6,000,000) for Southern California and 40 percent (\$4,000,000) for Northern California. This highly competitive grant program will generally award up to \$250,000 per project. Grant applications will be reviewed by the State Resources Agency which will recommend projects for funding to the California Transportation Commission. Notification of funding will occur in May 1999.

After a review of the criteria for the Fiscal Year 2000 EEMP, the following projects will be submitted by City staff. The Del Mar Vernal Pool Acquisition Project will request \$250,000 to purchase vernal pools in the City's critical area of the City's MSCP; and the Normal Heights Park Acquisition Project will request \$287,000 to purchase five parcels totaling .48 acres directly adjacent to the existing land identified for the Normal Heights Park. Several of the parcels identified for the purchase are currently being used by CalTrans as a construction staging area for State Route I-15.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-112:

SUBJECT: Amending the FY 1999 Capital Improvement Program Budget for Presidio Park Master Plan.

(Old San Diego Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-472) ADOPTED AS RESOLUTION R-290917

Adding CIP-29-477.0, Presidio Park Master Plan, to the
FY 1999 Capital Improvement Program Budget;

Authorizing the City Auditor and Comptroller to
transfer \$60,000 from General Fund, Fund No. 100, and
\$15,000 from California Historic Preservation Grant,
Fund No. 19289, to CIP-29-477.0, Presidio Park Master
Plan;

Authorizing the City Auditor and Comptroller to expend
an amount not to exceed \$75,000 from CIP-29-477.0,
Presidio Park Master Plan, for Phase I of the Master
Plan.

CITY MANAGER SUPPORTING INFORMATION:

Presidio Park is an archaeological treasure in danger of being
lost due to lack of maintenance and preservation, and to
vandalism. This project will provide for the preparation of a
Master Plan to repair, restore, enhance and manage the
archaeological and historical resources at the park. The first
phase entails hiring a consultant to oversee a task force of
selected professional archaeologists, geologists and historians
who will study the park site, prepare a Conditions Study, and
develop a program which will become the basis for the Master
Plan.

Aud. Cert. 9900406.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-113:

SUBJECT: Carmel Valley Neighborhood 10 - School/Park Site.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-495 COR.COPY) ADOPTED AS RESOLUTION R-290918

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,180,000 from CIP-29-687.0, FBA Fund No. 79002, for the acquisition of property rights, title, escrow, and miscellaneous costs in connection with the purchase of a five-acre parcel for the Carmel Valley Neighborhood 10 School/Park Site Project.

CITY MANAGER SUPPORTING INFORMATION:

The acquisition of this 5-acre parcel is a part of the 19-acre requirement of the Carmel Valley Neighborhood 10 Precise Plan for a school and neighborhood park site. The remaining 14 acres for the school/park site will be acquired from the adjacent owner prior to the end of the calendar year.

Aud. Cert. 9900418.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-114:

SUBJECT: Cooperative Agreement for Traffic Signals at West San
Ysidro Boulevard and Interstate 5.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-452) ADOPTED AS RESOLUTION R-290919

Authorizing the City Manager to execute a Cooperative Agreement with the State Department of Transportation (CalTrans), for the design and installation of traffic signals and safety lighting at West San Ysidro Boulevard and the northbound on- and off-ramps to Interstate 5.

CITY MANAGER SUPPORTING INFORMATION:

This project will provide a traffic signal light and safety lighting at the interchange ramps for West San Ysidro Boulevard and the Interstate 5 northbound on/off-ramps. The City will design and install the signal, and will contribute 50 percent of the construction costs, and will maintain and operate the signal. Energy costs will be shared by the City and CalTrans. This Cooperative Agreement will formalize the commitments of the City and the State on this project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-115:

SUBJECT: Right of Entry Permit - Regents of the University of
California.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-480) CONTINUED TO DECEMBER 7, 1998

Authorizing the City Manager to execute a right of
entry permit with the Regents of the University of
California for the maintenance of a seismic station at
La Jolla View Reservoir in La Jolla for a 15-year term
with a mutual 90-day termination clause.

CITY MANAGER SUPPORTING INFORMATION:

In 1983, the City executed a right of entry permit with the
Regents of the University of California, the San Diego Campus
Scripps Institute of Oceanography and Planetary Physics for
installation, operation and maintenance of an unmanned seismic
station on City-owned property adjacent to La Jolla View
Reservoir in La Jolla. The station is part of the Cal-Mexico
Seismic Hazard Program studying the seismicity of the Rose Canyon
fault zone. The permit expired in April 1998 and is currently on
a month-to-month holdover.

The Regents of the University of California have requested a new
permit for continued use of the station. The basic terms and
conditions of the permit are as follows:

PREMISES - Approximately two square feet of surface area. A
geophone and amplifier are installed at approximately 100 feet
deep.

TERM - 15 years.

EARLIER TERMINATION - Either party may terminate the permit with 90 days written notice.

CONSIDERATION - The City will receive copies of reports of seismic data generated at the station.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO CONTINUE TO DECEMBER 7, 1998, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-116:

SUBJECT: 43rd and National Street Realignment Project.

(Southcrest Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-484) ADOPTED AS RESOLUTION R-290920

Authorizing the City Manager to execute an Exchange Agreement with the San Diego Community College District, to complete the purchase of rights-of-way from San Diego Community College District, as required for the realignment project.

CITY MANAGER SUPPORTING INFORMATION:

On October 7, 1997, Resolution R-289278, City Council authorized the acquisition of property rights for this project. During negotiations, City staff and the property owner, San Diego

Community College District, reached a settlement based on the exchange of City-owned excess street right-of-way (created by this project) for the property rights required across their property. The exchange will save the City \$29,000 in additional property costs.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-117:

SUBJECT: Revised Conflict of Interest Code for the Community and
Economic Development Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-235) ADOPTED AS RESOLUTION R-290921

Adopting the Revised Conflict of Interest Code for the
Community and Economic Development Department.

SUPPORTING INFORMATION:

The Community and Economic Development Department's Conflict of Interest Code was last revised by Resolution R-288132 on December 2, 1996. This revision is intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution R-287479 adopted on June 10, 1996. The Community and Economic Development Department's code has been revised to include new positions which had not been previously designated to reflect changes in Departmental organization, and to update the required filing categories for each position.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-118:

SUBJECT: Revised Conflict of Interest Code for the Employee
Relations and Special Projects Business Center.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-236) ADOPTED AS RESOLUTION R-290922

Adopting the Revised Conflict of Interest Code for the
Employee Relations and Special Projects Business
Center.

CITY MANAGER SUPPORTING INFORMATION:

The Employee Relations and Special Projects Business Center's
Conflict of Interest Code was last revised on December 9, 1996.
This revision is intended to conform to Government Code Section
87306.5 requiring biennial review and update of local Conflict of
Interest Codes. The Employee Relations and Special Projects
Business Center's Code has been revised to include new positions
which had not been previously designated and to update the
required filing categories for each position.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-119:

SUBJECT: Revised Conflict of Interest Code for the Metropolitan
Wastewater Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-228) ADOPTED AS RESOLUTION R-290923

Adopting the Revised Conflict of Interest Code for the
Metropolitan Wastewater Department.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department's Conflict of Interest Code has not been revised since July of 1996. This revision is intended to conform to Government Code Section 87306.5 requiring biennial review and update of local Conflict of Interest Codes as reflected in City Council Resolution No. R-290243 adopted on June 15, 1998. The Metropolitan Wastewater Department's Code has been revised to include new positions which had not been previously designated, to delete designated positions which are no longer current, to reflect changes in the Departmental organization, and to update the required filing categories for each position.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-120:

SUBJECT: Revised Conflict of Interest Code for the Park and
Recreation Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-229) ADOPTED AS RESOLUTION R-290924

Adopting the Revised Conflict of Interest Code for the
Park and Recreation Department.

CITY MANAGER SUPPORTING INFORMATION:

The Park and Recreation Department's Conflict of Interest Code was last revised by Resolution No. R-288132 on December 2, 1996. This revision is intended to conform to Government Code Section 87306.5 requiring biennial review and update of local Conflict of Interest Codes as reflected in City Council Resolution No. R-287479 adopted on June 10, 1996. The Park and Recreation Department's Code has been revised to include new positions which had not been previously designated, to reflect changes in the Departmental organization, and to update the required filing categories for each position.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-121:

SUBJECT: Revised Conflict of Interest Code for the San Diego
Water Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-231) ADOPTED AS RESOLUTION R-290925

Adopting the Revised Conflict of Interest Code for the
San Diego Water Department.

CITY MANAGER SUPPORTING INFORMATION:

The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On April 27, 1977, Council approved the Conflict of Interest Code for the Water Department. The Conflict of Interest Code has been amended nine times to reflect organizational changes. This amendment again updates Exhibit A of the Code. This exhibit lists the duties and categories of those designated positions, the incumbents of which are required to submit Conflict of Interest Statements. Several organizational changes render Exhibit A obsolete. This amendment changes Exhibit A of the Code. This amendment also updates the Code itself and Exhibit B to conform to overall City policy. The City Attorney's Office has reviewed the proposed revisions to the Water Department's designated positions and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC). Employees filling new positions designated as having potential Conflicts of Interest were afforded the opportunity to review and comment on this amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-122:

SUBJECT: Revised Conflict of Interest Code for the San Diego
City Employees' Retirement System.

RETIREMENT SYSTEM'S RECOMMENDATION:

Adopt the following resolution:

(R-99-219) ADOPTED AS RESOLUTION R-290926

Adopting the Revised Conflict of Interest Code for the
San Diego City Employees' Retirement System.

SUPPORTING INFORMATION:

San Diego City Employees' Retirement System's Conflict of
Interest Code was last revised by RR-288134-2 on December 2,
1996. It now needs to be revised to designate Investment
Managers as consultants, add the positions of General Counsel and
Assistant General Counsel, and correct the reference from old
Form 721 to new Form 700 (Statutory Requirement - Government Code
Section 87200).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-123:

SUBJECT: Revised Conflict of Interest Code for the
Transportation Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-230) ADOPTED AS RESOLUTION R-290927

Adopting the Revised Conflict of Interest Code for the
Transportation Department.

CITY MANAGER SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87306.5 requiring biennial review and update of local Conflict of Interest Codes as reflected in City Council Resolution No. R-287479 adopted on June 10, 1996. The Transportation Department's Code has been revised to include new positions which had not been previously designated, to reflect changes in the Departmental organization, and to update the required filing categories for each position.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-124:

SUBJECT: Awarding a Contract to 3D Enterprises for Construction
of Market Street and 33rd Street Storm Drain.

(Stockton Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-515) ADOPTED AS RESOLUTION R-290928

Accepting the low bid of \$78,626 and awarding a contract to 3D Enterprises (San Diego, CA), for the construction of Market Street and 33rd Street Storm Drain;

Authorizing the Auditor and Comptroller to transfer not to exceed \$17,241.28 from Fund 10508, CIP-12-108.0, 26th Street and Imperial Avenue Storm Drain Construction to Fund 10508, CIP-12-102.0, Market Street and 33rd Street Storm Drain; and not to exceed \$20,000 from Fund 10508, CIP-12-103.0, Madison Avenue and 56th Street Storm Drain to Fund 10508, CIP-12-102.0, Market Street and 33rd Street Storm Drain;

Authorizing the expenditure of not to exceed \$137,241.28 from Fund 10508, CIP-12-102.0, Market Street and 33rd Street Storm Drain, for project construction, contingency and other additional related costs;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K99008C)

CITY MANAGER SUPPORTING INFORMATION:

A new drainage system is proposed to be constructed at Market Street and 33rd Street to eliminate flooding at the north side of Market Street where storm run-off presently collects. This new storm drain system will not effectively work unless the street grades are changed to slope toward the drainage inlet. Since

reconstruction of the pavement was not originally included in the storm drain project, additional funds in the amount of \$37,241.28 are required. Funding is available from the 26th Street and Imperial Avenue Storm Drain Construction Project which has been delayed due to issues associated with MTDB's trolley line; and Madison Avenue and 56th Street Storm Drain Project was deferred to FY 2000-2001.

Aud. Cert. 9900123.

FILE LOCATION: CONT - 3D Enterprises (San Diego, CA)

COUNCIL ACTION: (Tape location: D389-430.)

MOTION BY MATHIS TO ADOPT THE MANAGER'S RECOMMENDATION.
Second by Stallings. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea,
Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea,
Mayor Golding-not present.

* ITEM-125:

SUBJECT: Electric Utility Easements on City Owned Property for
Relocated Electric Facilities for the Otay Mesa Road
Widening Project.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-461) ADOPTED AS RESOLUTION R-290929

Authorizing the November 26, 1997 Memorandum of Understanding between the City of San Diego and San Diego Gas and Electric Company, approving the acquisition of new utility easements on City of San Diego property to facilitate construction of the Otay Mesa Road Widening Project.

CITY MANAGER SUPPORTING INFORMATION:

Otay Mesa Road is a four-lane City street which currently serves as the only connection between the Otay Mesa Port of Entry and the Interstate Highway System. CalTrans and the City have agreed to jointly upgrade Otay Mesa Road to six-lane conventional highway standards, including road widening, signalization and miscellaneous improvements. The City is administering the construction contract and is contributing \$3 million toward its cost. The State is contributing \$17.2 million toward the project cost, including land acquisition, and utility relocation, and will assume responsibility for maintaining the roadway upon completion of the project. The State will retain control of Otay Mesa Road until such time as State Route 905 is completed and open to traffic, at which time the roadway will revert back to the City.

As part of the road widening project, it is necessary to relocate the electric utility poles to a new location away from the roadway. The final location of the new utility poles was modified by CalTrans just prior to public bid to a location adjacent to the edge of the right-of-way and that action predicates the acquisition of additional utility pole anchor easements and a power line easement as described in the Memorandum of Understanding and Exhibits A through D. In order to facilitate the project without scheduling delays, the Memorandum of Understanding was created to commence utility relocation work. This action seeks a resolution authorizing the conveyance of property rights over City owned property and through the acceptance and approval of the subject Memorandum of Understanding, as it pertains to the Otay Mesa Road Widening Project.

FILE LOCATION: DEED F-7368

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-126:

SUBJECT: John M. Carney, Volunteer of the Year Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-510) ADOPTED AS RESOLUTION R-290930

Proclaiming November 17, 1998 to be "John M. Carney,
Volunteer of the Year Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-127:

SUBJECT: Roger C. Cornell, M.D., Development Volunteer of the
Year Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-511) ADOPTED AS RESOLUTION R-290931

Proclaiming November 17, 1998 to be "Roger C. Cornell,
M.D., Development Volunteer of the Year Day" in San
Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-128:

SUBJECT: Elementary Institute of Sciences Youth Board, Youth
Volunteer of the Year Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-512) ADOPTED AS RESOLUTION R-290932

Proclaiming November 17, 1998 to be "Elementary
Institute of Sciences Youth Board, Youth Volunteer of
the Year Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-129:

SUBJECT: Deborah Szekely, Philanthropist of the Year Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-514) ADOPTED AS RESOLUTION R-290933

Designating November 17, 1998 as "Deborah Szekely,
Philanthropist of the Year Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-130:

SUBJECT: Union Bank of California, Philanthropic Organization of
the Year Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-513) ADOPTED AS RESOLUTION R-290934

Designating November 17, 1998 as "Union Bank of
California, Philanthropic Organization of the Year Day"
in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-131:

SUBJECT: Participation Agreement with Santa Fe Downs, Ltd. for
the Design and Construction of the Water Pipelines in
Via de la Valle.
(Via de la Valle Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-477) ADOPTED AS RESOLUTION R-290935

Authorizing a Participation Agreement with Santa Fe
Downs, Ltd., for the Design and Construction of the
Water Pipelines in Via de la Valle in San Diego;

Authorizing the City Auditor and Comptroller to
transfer an amount not to exceed \$167,861 from Special
Account 009999 D A, San Dieguito Valley Water, to
CIP-73-083.0, Annual Allocation - Water Main
Replacements;

Authorizing the City Auditor and Comptroller to
transfer an amount not to exceed \$266,823 from Special
Account 009997 D, San Dieguito Valley Sewer, to
CIP-73-083.0, Annual Allocation - Water Main
Replacements;

Authorizing the expenditure of an amount not to exceed
\$434,684 from CIP-73-083.0, Annual Allocations - Water
Main Replacements, for providing funds for the project.

CITY MANAGER SUPPORTING INFORMATION:

As a condition of Tentative Map TM-92-0430 the Developer, Santa Fe Downs, a California limited partnership, was required to make improvements to the public water system in Via de la Valle. These improvements include the installation of approximately 3,135 lineal feet of 24-inch water main. The scope of these improvements is based upon the conclusion of a water study which was prepared for the developer by a private engineer. The developer's fair share of the improvements for the design and construction of the water main is 37.2 percent of the project's cost. Staff recommends reimbursement to the developer of the remaining 62.8 percent from the San Dieguito Valley Special Accounts fund, provided that the work is completed to the satisfaction of the City Engineer and that the total reimbursement to the developer will not exceed \$434,684. This fund was established by developers for use in constructing water and sewer facilities within the San Dieguito Valley region.

Aud. Cert. 9900376.
WWF-DSD-98-340.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-132:

SUBJECT: North Park Toyland Parade Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-99-522) ADOPTED AS RESOLUTION R-290936

Recognizing the outstanding contribution that the North
Park Toyland Parade has made to enrich the lives of
people living in North Park;

Proclaiming December 5, 1998 to be "North Park Toyland
Parade Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-133:

SUBJECT: Proposed New Aviation Lease with Aviation International
at Brown Field.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-485) ADOPTED AS RESOLUTION R-290937

Authorizing the City Manager to execute a 35-year flat
rate aviation lease agreement with Aviation Consulting
International Corporation, dba Aviation International,
at Brown Field, for the lease of approximately 2.55

acres on the airport ramp to provide a fixed base aviation operation, offering aircraft maintenance and repairs, international and local charter services and aircraft restoration, at an initial annual rent of \$10,750.

CITY MANAGER SUPPORTING INFORMATION:

Juan Escalante, owner of Aviation Consulting International, Inc., formerly South Bay Airport Company, has been a tenant at Brown Field for more than twenty years. He, among other Fixed Base Operators, (FBO's) was asked to bring forward a development proposal for a long term lease. An acceptable proposal was submitted. Valuation staff has reviewed the lease and found the rent and terms to be reasonable.

It is recommended that a 35-year lease be granted, based on the following terms:

PREMISES: Approximately 2.55 acres on the airport ramp.

LEASE TERM: 35 years.

INITIAL MINIMUM INVESTMENT REQUIRED: \$550,000.

RENT: \$10,750 annual minimum to be adjusted at the end of the fifth, fifteenth, and twenty-fifth years, to reflect changes in the Consumer Price Index. The leasehold will be appraised at the end of the tenth, twentieth, and thirtieth years and adjusted to reflect market rates.

USE: Provide a fixed base aviation operation, offering aircraft maintenance and repairs, international and local charter services and aircraft restoration.

CONCLUSION: In 1992 Council authorized new, short term leases with all existing Fixed Base Operators, including Mr. Escalante, with instructions to develop proposals for future development and upgrading of their leaseholds on the ramp area. Council approved 35 year leases with Brown Field Aviation Ventures and Paladin Aviation. This agreement will complete the leasing of the ramp area.

FILE LOCATION: LEAS - Aviation Consulting International
Corporation, dba Aviation International

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-134:

SUBJECT: Robert E. Winterton, Sr., Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-527) ADOPTED AS RESOLUTION R-290938

Recognizing Bob Winterton for his tremendous service
and his never-ending advocacy on behalf of the
Associated Builders and Contractors, and wishing him
well upon his return as full-time pastor of Trinity
Baptist Church in El Cajon, California;

Proclaiming Thursday, November 12, 1998 to be "Robert
E. Winterton, Sr., Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-135:

SUBJECT: Nomination for Appointment to the San Diego Unified
Port District Board.

(See memorandum from Mayor Golding dated 10/30/98 with
resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-529) ADOPTED AS RESOLUTION R-290939

Appointing Stephen P. Cushman to serve as a member of
the San Diego Port District Board of Commissioners for
a term ending January 2, 2003.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-150:

(Continued from the meeting of 10/19/98, Item 140, at
Councilmember Vargas's request, to get more
clarification on how the program works, what the
requirements are, location of sites, and how much the
County is funding.)

SUBJECT: Fiscal Year 1998/99 Winter Shelter Program.

(See City Manager Report CMR-98-193 Revised.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-99-426 Cor. Copy) ADOPTED AS RESOLUTION R-290940

Accepting the City Manager's findings that there do not appear to be adequate shelter beds for the estimated number of homeless persons that reside within the City of San Diego;

Declaring that a shelter emergency exists within the City of San Diego, in accordance with Government Code Section 8698 through 8698.2;

Declaring that the sheltering program outlined in City Manager Report CMR-98-193 constitutes in part the City's response addressing the declared shelter emergency;

Establishing the FY 99 Winter Shelter Fund and authorizing the Auditor and Comptroller to appropriate and expend \$603,913 for the purpose of operating the Winter Shelter Program for FY 99, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to negotiate and execute agreements and leases associated with implementing the 1998/99 Winter Shelter Program, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller to accept and expend contributions associated with the approved 1998/99 Winter Shelter Program.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/30/98, LU&H voted 5-0 to approve the recommendations in City Manager Report CMR-98-193, and refer to City Council.
(Councilmembers Mathis, Stevens, Stallings, McCarty and Vargas voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B028-C562.)

MOTION BY VARGAS TO ADOPT WITH DIRECTION TO STAFF TO MOVE FORWARD AS EXPEDITIOUSLY AS POSSIBLE AND INCLUDE MAYOR GOLDING'S MEMO DATED NOVEMBER 5, 1998, WITH THE FOLLOWING CHANGES AS REQUESTED BY COUNCIL MEMBER STALLINGS:

CHANGE ITEM 2 FROM "WHICH WILL MIRROR THOSE IN PLACE THE LAST TWO YEARS" TO "WHICH WILL MIRROR THOSE IN PLACE LAST YEAR," AND REPORT BACK TO COUNCIL; AND

CHANGE ITEM 3 FROM "SHOULD BE REQUIRED TO TAKE ADVANTAGE OF THE SERVICES" TO "SHOULD BE STRONGLY ENCOURAGED TO TAKE ADVANTAGE OF THE SERVICES."

Second by Stallings. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-200:

SUBJECT: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update. San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-279) ADOPTED AS RESOLUTION R-290941

Declaring a continued State of Emergency regarding the
discharge of raw sewage from Tijuana, Mexico.

NOTE: This item is placed on the adoption agenda for a
presentation by the City Manager.

FILE LOCATION: GEN'L - State of Emergency regarding the
discharge of raw sewage from Tijuana,
Mexico

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-201:

SUBJECT: Two actions related to Inviting Bids for the Point Loma
Maintenance Building Expansion, Phase I Project; and
Certifying Addendum to Environmental Impact Report
LDR-96-7916.
(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-258 COR.COPY) ADOPTED AS RESOLUTION
R-290942

Authorizing the City Auditor and Comptroller to amend the Capital Improvement Program budget to add CIP-45-939.0, Point Loma Maintenance Building Expansion, Phase I, in accordance with the 1999 Appropriation Ordinance;

Inviting bids for the Point Loma Maintenance Building Expansion, Phase I Project on Work Order No. 174231;

Authorizing the City Manager to establish contract funding phases with the lowest responsible bidder for this project, based on the actual low bid submitted, and to execute a contract with the lowest responsible bidder, provided the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer \$818,590 within Fund No. 41508, from CIP-46-182.0, Point Loma Chemical Feed Systems Upgrade, to CIP-45-939.0, Point Loma Maintenance Building Expansion, Phase I Project;

Authorizing the expenditure of an amount not to exceed \$1,189,708 from Sewer Fund No. 41508, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure under the established contract funding phases, are, or will be, on deposit in the City Treasury, as follows:

\$1,144,708 from CIP-45-393.0, Point Loma Maintenance Building Expansion, Phase I, for project construction and related costs;

\$ 45,000 from CIP-46-501.0, Annual Allocation - Metro Pooled Contingency, for project contingency;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves, upon advice from the administering department. (BID-K99102)

Subitem-B: (R-99-259) ADOPTED AS RESOLUTION R-290943

Certifying that the information contained in Addendum to Environmental Impact Report LDR-96-7916, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the Addendum reflects the independent judgement of the City of San Diego as Lead Agency; and that the information contained in the Addendum, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with approval of the Point Loma Maintenance Building Expansion, Phase I Project.

CITY MANAGER SUPPORTING INFORMATION:

The Point Loma Wastewater Treatment Plant (PLWTP) was constructed in 1963 to serve the Metropolitan Sewage System. The PLWTP has been expanded and upgraded over the past 30 years to meet treatment capacity needs for the region. Accommodations for staff have not kept up with this expansion, and additional office, maintenance and warehouse space is needed. The Maintenance Building and Warehouse Complex is one project, which is planned to be implemented in two phases. Phase I is the Maintenance Building Expansion, and Phase II is another expansion to the Maintenance Building and an expansion to the Warehouse Complex. This action is for Phase I only. The Maintenance Building Expansion Phase I project will add approximately 4,600 square feet to the second floor of the existing maintenance building, which will help alleviate some of the office space crowding at a cost far less than construction of a new facility.

Aud. Cert. 9900187.

FILE LOCATION:

Subitems A,B: W.O. 174231, CONT - RIHA
Construction

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT THE RESOLUTIONS. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-202:

SUBJECT: Metropolitan Operations Center (MOC III) Expansion Project.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-498) ADOPTED AS RESOLUTION R-290944

Accepting the low bid of and awarding a contract to Greer Construction for the expansion of the Metropolitan Operations Center (MOC III) in the amount of \$1,473,690;

Authorizing the Auditor and Comptroller to transfer not to exceed \$462,381 from Fund No. 41508, Unallocated Reserve, Program Element 771110, to Fund No. 41508, CIP-40-922.0, Metropolitan Operations Center Expansion;

Authorizing the expenditure of not to exceed \$603,252 over the amount previously authorized in Resolution No. R-289665, as follows: \$490,142 from Fund No. 41508, CIP-40-922.0, Metropolitan Operations Center Expansion, to provide additional funds for project construction and related costs; and \$113,110 from Fund No. 41508, CIP-46-501.0, Annual Allocation - Pooled Contingency, to provide funds for project contingency.

CITY MANAGER SUPPORTING INFORMATION:

CIP-40-922.0 is for improvement of the Central Support Facility in Kearny Mesa. This project will begin in October, 1998 and be completed in June 1999. This project at 9191 Kearny Villa Court will provide for the build-out of a Central Repair Facility, centralized warehousing, 6,000 sq. ft. of office space, locker room facilities and training room. Related costs for this project include upgrades to the electrical service and the installation of telephone, data and fire equipment, Owner Controlled Insurance and furnishings for the facility. The advertisement and award for the Metropolitan Operations Center (MOC III) Expansion project construction was authorized by Council on January 20, 1998, by Resolution R-289665 for a project total of \$2,153,981. On January 28, 1998, the project was advertised in the San Diego Daily Transcript. Five bids were opened on April 22, 1998 for this work, but the City rejected all submitted bids as being non-responsive. The construction contract was re-advertised for bids on July 2, 1998, with bids opened on August 13, 1998. The lowest responsible bidder was Greer Construction of San Diego, CA with a bid amount of \$1,473,690. This request is for approval to increase the funding for MOC III CIP-40-922.0 by \$261,990 for construction from the previous resolution; also to increase project related costs by \$228,152 needed to repackage the contract, in-house engineering, Owner Controlled Insurance Program coverage, data/phone connections/installation by SDDPC, work performed for partial occupancy by the Job Order Contractor for Wastewater Collections Electrical Shop and Storeroom 64, and to increase contingency by \$113,110 for fire equipment and by \$4,000 for City Forces work for a total increase of \$607,252 to the project. The project total would now be \$2,761,233. The City Manager recommends award of this contract to Greer Construction Company, the lowest responsible bidder, despite a protest from Davis and Adams Construction alleging defects in Greer's bid. The City Manager regards the errors as inconsequential.

Aud. Certs. 9900421/9900422.

FILE LOCATION: CONT - Greer Construction

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-203:

SUBJECT: Agreement with Low-Power Broadcaster KDI-TV to
Broadcast City Council Meeting Videotapes.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-491) ADOPTED AS RESOLUTION R-290945

Authorizing an agreement with KDI-TV, Channel 17 for
the low-power rebroadcast of videotaped City Council
meetings.

CITY MANAGER SUPPORTING INFORMATION:

KDI-TV, Channel 17 is a commercial low-power broadcast station serving the San Diego region. KDI has requested to rebroadcast the City's videotaped coverage of the City Council meetings as a public service. Currently, the City's videotaped coverage of Council meetings is carried only on the City's government access cable channel carried by Cox Communications and Time Warner Cable Television. KDI carries a mix of business news and Spanish language programming and is not carried by the local cable companies serving the City. KDI has agreed to carry the videotaped coverage of the City Council meetings in their entirety and with no commercial interruptions. KDI plans to rebroadcast the City Council video coverage once per week on Saturday mornings. Technically, only minimal City force time

would be necessary to provide a videotaped copy of Council meetings to KDI. The choice of the City to allow its City Council meeting videotaped coverage to be rebroadcast by a commercial low-power broadcast station is a policy decision. Providing the City Council meetings via low-power broadcast will allow greater access to this information by the households in the community that are not subscribers to cable television service. The proposed agreement between the City and KDI includes safeguards against commercialization of the City Council re-broadcasts and the ability of the City Manager to modify or terminate the videotape carriage agreement at City discretion.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-204:

SUBJECT: Approval for San Diego Data Processing Corporation to
Provide Third Party Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-489) ADOPTED AS RESOLUTION R-290946

Authorizing the San Diego Data Processing Corporation to execute a consulting service agreement with the City of Phoenix, for the development, implementation and evaluation of Digital Quarter Section Maps on pen-based computers for the Phoenix Water Services Department.

CITY MANAGER SUPPORTING INFORMATION:

The City entered into an Operating Agreement with San Diego Data Processing Corporation (SDDPC) in 1979. The agreement, as amended, requires prior approval from the City Council for all third-party service agreements in excess of \$100,000. SDDPC has requested Council approval to allow the Corporation to negotiate a consulting services agreement with the City of Phoenix, Arizona. The project has a SDDPC budget estimate of approximately \$400,000. The consulting services project will be for the development of a pen-based computer mapping application. Staff supports SDDPC's request. The Operating Agreement limits on providing services to third parties were established to help ensure that such engagements did not negatively impact the level of service SDDPC provided to the City. The Corporation has indicated to staff that it will ensure that SDDPC's pursuit of services from the City of Phoenix will be done in ways that do not negatively impact the City financially or in the level of service provided to the City. Importantly, opportunities for SDDPC to provide services to other governmental agencies can serve to control the cost of information technology to the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-205:

SUBJECT: Memorandum of Understanding with Southeastern Economic Development Corporation and Consultant Agreement for the Design of Mountain View Community Center.
(Mountain View Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-478) ADOPTED AS RESOLUTION R-290947

Authorizing a Memorandum of Understanding (MOU) with Southeastern Economic Development Corporation (SEDC) to transfer the project management responsibilities and \$500,000 in funding to the City for the construction of Mountain View Community Center;

Authorizing an agreement with Westberg + White, Inc., for the design and related project administration related to the construction of Mountain View Community Center;

Authorizing the expenditure of an amount not to exceed \$263,500 from CIP-29-833.0, Fund 18514, for providing funds for the project.

CITY MANAGER SUPPORTING INFORMATION:

Southeastern Economic Development Corporation (SEDC) has secured a Section 108 loan from the United States Department of Housing (HUD) for the purpose of constructing Mountain View Community Center. Mr. Frisco White of Westberg + White, Inc., was selected as the architect to design and develop the project. In March of 1995, Frisco White and the City project Management team presented renderings showing the project concept to the Park and Recreation Board as an information item. The project is phase funded with the first installment of \$500,000 to be transferred from HUD Section 108 to the City CIP-29-8330, after the MOU is executed. This action will authorize the City Manager to execute the MOU with SEDC and an agreement with the architect to complete the design, procure the necessary permits, and provide the City with construction documents so the project can be advertised for construction. The architect developed concept drawings and has previously worked closely with the community to incorporate the desires of the community into the design.

Aud. Cert. 9900407.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-206:

SUBJECT: Two actions related to Los Penasquitos Canyon Preserve
Master Plan and Natural Resources Management Plan;
Certifying Environmental Impact Report EIR-88-0578.

(Mira Mesa, Sorrento Hills, Rancho Penasquitos, Miramar
Ranch North Community Areas and Sabre Springs Future
Urbanizing Area. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-474) ADOPTED AS RESOLUTION R-290948

Adopting the Los Penasquitos Canyon Preserve Master
Plan and the Los Penasquitos Natural Resources
Management Plan.

Subitem-B: (R-99-475) ADOPTED AS RESOLUTION R-290959

Certifying that the information contained in
Environmental Impact Report EIR-88-0578, has been
completed in compliance with the California
Environmental Quality Act of 1970, as amended, and
State guidelines; that the report reflects the

independent judgement of the City of San Diego as Lead Agency; that the information contained in the report together with any comments received during the public review process, has been reviewed and considered by the Council; adopting findings made with respect to the project;

Adopting the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Master Plan provides parameters and guidelines for Los Penasquitos Canyon Preserve facility development, facility maintenance, and activities. Long-range management objectives focus on maintaining and enhancing the quality of the environment in the Preserve to provide public enjoyment, safety and education. To assist in the City/County joint-management of the Preserve, the Master Plan clearly defines responsibilities for operations, maintenance, and security. The draft Los Penasquitos Canyon Preserve Environmental Impact Report (EIR) addresses the potential impacts associated with implementation of the Master Plan and proposes mitigation measures to bring impacts below a level of significance. The proposed Los Penasquitos Canyon Preserve Natural Resource Management Plan (NRMP) complements the Master Plan by providing specific guidelines and requirements associated with resource protection and enhancement. Additionally, the NRMP aids in the implementation of the concepts outlined in the Master Plan. To that end, the few concerns expressed by the Los Penasquitos Canyon Preserve Citizens' Advisory Committee during review of the Master Plan are addressed in the NRMP. These concerns include funding for projects identified in the Master Plan, the continuing role of the Task Force and Citizens' Advisory Committee, and mitigation requirements for utility project impacts. The Los Penasquitos Canyon Preserve Task Force, The Los Penasquitos Canyon Preserve Citizens' Advisory Committee, and the Friends of Los Penasquitos Canyon Preserve support the adoption of the Master Plan and certification of the EIR. Adoption of the NRMP was also recommended with the following additions:

1. Page 5, Paragraph 2. Add this sentence to the end of the paragraph: "Although no physical evidence of their presence has yet been found, Luiseno Indian oral histories include references to activities in or near the Preserve."; and
2. Addition of Figure 9, after Page 58. Identification of trial closure locations for restoration and/or enhancement.

FILE LOCATION: Subitems A,B: LAND - Sorrento Hills
Community Plan (10)

COUNCIL ACTION: (Tape location: A400-B015.)

CONSENT MOTION BY STEVENS TO ADOPT THE RESOLUTIONS. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-330:

SUBJECT: This is the public meeting regarding the annual assessments for the Carmel Valley Neighborhood 10 Maintenance Assessment District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Carmel Valley Community Area. District-1).

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following resolution:

(R-99-263) ADOPTED AS RESOLUTION R-290949

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Carmel Valley Neighborhood 10 Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Carmel Valley Neighborhood 10 Maintenance Assessment District and establishes the Fiscal Year 1999 assessments. The district is located north of Penasquitos Canyon Preserve and east of the Sorrento Hills Planning Area with proposed landscaped improvements along Carmel Country Road and Carmel Mountain Road. The district is being established to provide maintenance for 1.80 acres of landscaped medians, 0.74 acres of paved medians, 4.10 acres of landscaped right-of-way, 5.01 acres of paved right-of-way, 5.00 acres of landscaped slope, 280.80 acres of natural open space, 28,800 lineal feet of gutters, and a 12 acre developed park.

The Fiscal Year 1999 proposed maintenance costs for the district are as follows:

<u>DESCRIPTION</u>	<u>OPERATIONS</u>	<u>FUND</u>	<u>RESERVE</u>	<u>TOTAL</u>
BEGINNING BALANCE	\$ 0.00		\$ 0.00	\$ 0.00
REVENUE:				
Assessments	\$23,750.00		\$ 0.00	\$23,750.00
TRANSFER:	(0.00)		0.00	0.00
EXPENSE:				
Personnel	\$ 0.00		\$ 0.00	\$ 0.00
Contractual	0.00		0.00	0.00
Incidental	\$23,750.00		0.00	\$23,750.00
TOTAL EXPENSE	\$23,750.00		\$ 0.00	\$23,750.00
ENDING BALANCE	\$ 0.00		\$ 0.00	\$23,750.00

The proposed assessment for Fiscal Year 1999 is \$15.31 per equivalent benefitting unit(EBU). The maximum authorized assessment is \$169.41 per EBU indexed annually to the San Diego Consumer Price Index-Urban Consumers. The district contains 1,550.94 equivalent benefitting units.

FILE LOCATION: STRT - M-414-99 (34)

COUNCIL ACTION: (Tape location: A400-B015; C570-585.)

Deputy Mayor Wear opened the hearing at 10:42 a.m. and recessed the hearing at 10:54 a.m. with direction to staff to tally the ballots.

Deputy Mayor Wear resumed the hearing at 12:18 p.m.

Deputy Mayor Wear announced the tally for Carmel Valley Neighborhood 10 Maintenance Assessment District:

No votes = 12 (\$1,163.79); Yes votes = 91 (\$19,690.71).

Deputy Mayor Wear closed the hearing at 12:19 p.m.

MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-331:

SUBJECT: Villas at Stallions II Project. Matter of a Vesting Tentative Map (VTM), Planned Residential Development (PRD) Permit with Transfer of Density, and Resource Protection Ordinance Permit (RPO) to subdivide and construct 47 single family homes on a 27 acre site within the A-1-10 zone located on the east side of El Camino Real, east of I-5, north of Del Mar Heights Road, and south of San Dieguito Road in the North City Future Urbanizing Area (NCFUA), Subarea II.

(VTM/PRD/RPO-98-0983. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following Resolution in Subitem A and introduce the Ordinance in Subitem B. Adopt the Resolutions in Subitems C and D to approve the maps and permits:

Subitem-A: (R-99-519) ADOPTED AS RESOLUTION R-290950

Adoption of a Resolution certifying that the information contained in File No. LDR-98-0912, Addendum to Environmental Impact Report EIR-95-0197, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the Addendum to Environmental Impact Report has been reviewed and considered by the Council; and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-99-65) INTRODUCED, TO BE ADOPTED
NOVEMBER 24, 1998

Introduction of an Ordinance to approve a Planned Residential Development Permit (PRD). This ordinance will be consistent with the Settlement Agreement between the City of San Diego and San Dieguito Partnership which accepts a per unit fee in place of the provision of on-site units in order to meet the Affordable Housing requirements of the PRD regulations.

Subitem-C: (R-99-) GRANTED MAP, ADOPTED AS RESOLUTION
R-290951

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-D: (R-99-) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-290952

Adoption of a Resolution granting or denying the Resource Protection Ordinance permit, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

Sites from which development is being transferred, which are part of the PRD, are the following: The Villages property, a 48.1 acre site east of San Andres Drive and south of Villa De La Valle; a 68 acre site west of El Camino Real (directly across from the Villas property) and east of Interstate 5; and two adjacent properties south of Via De La Valle and south of the Villages property, immediately east of Interstate 5 with a total net acreage of 46 acres. The Villas project site itself is 26 acres. The combined acreage from which density is calculated is 188 acres developed at one dwelling unit per four acres resulting in 47 units.

LEGAL DESCRIPTION:

The Villas site is more particularly described as that portion of the Northwest Quarter of Section 7, Township 14 South, Range 3 West, San Bernardino Meridian in the City of San Diego, County of San Diego, State of California.

FILE LOCATION: Subitems A,B,C,D: LAND - NCFUA Subarea II (10)

COUNCIL ACTION: (Tape location: C562-569.)

Hearing began at 12:16 p.m. and halted at 12:17 p.m.

MOTION BY MATHIS TO ADOPT THE RESOLUTIONS, GRANT THE MAP, GRANT THE PERMIT, AND INTRODUCE THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-332: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the Morena Business Improvement District. Council will take action at the subsequent hearing which has been scheduled on December 8, 1998 at 10:00 a.m. Public testimony will also be taken at that meeting.
(Linda Vista and Clairemont Mesa Community Planning Areas. District-6.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public hearing which has been scheduled for December 8, 1998.

CITY MANAGER SUPPORTING INFORMATION:

The City Council recognizes the usefulness of Business Improvement Districts (BIDs) in the revitalization of older commercial neighborhoods. There are currently 16 active districts in the City of San Diego where merchants assess themselves to provide for business development and marketing activities, as well as street-scaping and other physical improvements in their respective areas. Pursuant to Council Policy 900-07, Morena Shopping Quarter has garnered approximately 20 percent support from the affected businesses for establishment of the district. Additionally, a mailed ballot procedure was conducted in May, 1998 under the auspices of the Office of Small Business to determine if a majority of responding businesses, by assessed value, support the formation of the BID. The result for Morena is 63 percent in favor. The supporting organization now requests that the Council proceed with the public meeting and hearing required by State law to form the business improvement district.

The public meeting required by State law will be held on November 10, 1998 and the public hearing will be held on December 8, 1998. This action would constitute the final hearing on the matter,

establish the district and authorize the Manager to enter into an agreement with the business association to administer the district. The Small Business Advisory Board (SBAB) has heard the issue and recommends establishment of the district. The Business Improvement District Council (BIDC) recommends establishment of the district.

FILE LOCATION: STRT - L-19-98 (32)

COUNCIL ACTION: (Tape location: D010-223.)

Hearing began at 12:20 p.m. and halted at 12:36 p.m.

Testimony in opposition by Mark Blase, Dolores Neal, Ed Soens, Milton Bush, and Tim Foor.

Testimony in favor by Maria D. Mera, Greg Finley, Tina Alo, Bob Fowble, Carol Charette, and Bill Howe.

ITEM-333: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the San Ysidro Business Improvement District. Council will take action at the subsequent hearing which has been scheduled on December 8, 1998 at 10:00 a.m. Public testimony will also be taken at that meeting.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public hearing which has been scheduled for December 8, 1998.

CITY MANAGER SUPPORTING INFORMATION:

The City Council recognizes the usefulness of Business Improvement Districts (BIDs) in the revitalization of older commercial neighborhoods. There are currently 16 active districts in the City of San Diego where merchants assess themselves to provide for business development and marketing activities, as well as street-scaping and other physical improvements in their respective areas. Pursuant to Council Policy 900-07, San Ysidro Business Chamber of Commerce has garnered approximately 20 percent support from the affected businesses for establishment of the district. Additionally, a mailed ballot procedure was conducted in May, 1998 under the auspices of the Office of Small Business to determine if a majority of responding businesses, by assessed value, support the formation of the BID. The result for San Ysidro is 70 percent in favor of the BID. The supporting organization now requests that the Council proceed with the public meeting and hearing required by State law to form the business improvement district.

The public meeting required by State law will be held on November 10, 1998 and the public hearing will be held on December 8, 1998. This action would constitute the final hearing on the matter, establish the district and authorize the City Manager to enter into an agreement with the business association to administer the district. The Small Business Advisory Board (SBAB) has heard the issue and recommends establishment of the district. The Business Improvement District Council (BIDC) recommends establishment of the district.

FILE LOCATION: STRT - L-20-98 (32)

COUNCIL ACTION: (Tape location: D224-386.)

Hearing began at 12:37 p.m. and halted at 12:48 p.m.

Testimony in opposition by Marvin Carpenter.

Testimony in favor by Dr. Ned Morris, Alan Merha, Herb Sevel, Jack Ferris, Irene Stallard-Rodriquez, Manuel Mendivil, and Ricardo Castro.

ITEM-334:

SUBJECT: Torrey Highlands Subarea IV Plan - Park Purchase
Agreements.
(Torrey Highlands (Subarea IV) Community Area.
District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
10/5/98. (Council voted 9-0.) The public hearing was held
open for today's meeting:

(O-99-48) ADOPTED AS ORDINANCE O-18602 (New
Series)

Adoption of an Ordinance authorizing Park Site Purchase
Agreements for the Torrey Highlands Subarea IV Plan of
the North City Future Urbanizing Area.

NOTE: 6 votes required pursuant to Section 99 of the City
Charter. A notice of public hearing was published in the
Daily Transcript on 10/29/98.

CITY MANAGER SUPPORTING INFORMATION:

The City Manager is requesting that the City Council approve the
"Torrey Highlands Park Purchase Agreements" to satisfy the final
condition of Resolution R-287749 adopting the Torrey Highlands
Subarea Plan (Subarea IV), thereby making the Subarea Plan
effective. The City Council adopted the Framework Plan on
October 1, 1992 as an amendment to the Progress Guide and General
Plan to establish land uses and to govern the preparation of more
detailed subarea plans.

The Framework Plan required that purchase agreements for all
public facilities be negotiated to the satisfaction of the City
prior to subarea plan adoption. On August 5, 1996, the City
Council adopted the Torrey Highlands Subarea Plan for Subarea IV

as required by the North City Future Urbanizing Area (NCFUA) Framework Plan. Park sites are the only public facilities, besides schools, sited wholly within the Subarea IV boundaries. However, the complexities of negotiating said agreements with multiple owners in time to allow the subarea plan to meet the processing deadline associated with the November 5, 1996 ballot precluded satisfaction of this requirement prior to City Council consideration of the subarea plan election ordinance. As a result, the City Attorney and Community and Economic Development staff prepared the plan adoption resolution with a requirement for completion of the purchase agreements before the subarea plan could become effective to ensure compliance with the Framework Plan purchase agreement provision. Property owners and City staff (City Attorney, Park and Recreation, Real Estate Assets, and Community and Economic Development) have been working together to reach consensus on the agreement language since passage of the ballot measure on November 5, 1996. Draft agreements signed by the affected property owners were delivered to the City in March of this year. The City Manager recommends that the City Council authorize execution of said agreements to satisfy the final requirement of Resolution R-287749, thereby making the Torrey Highlands Subarea Plan effective and to ensure the timely provision of neighborhood park sites in the plan area. The purchase of these park sites is expected to occur within five years, however, it is possible for the term of these agreements to exceed five years. Therefore, Charter Section 99 is applicable and requires that a super majority of the City Council (two-thirds) must approve the agreements.

FILE LOCATION: LAND - North City Future Urbanizing Area
(10)

COUNCIL ACTION: (Tape location: A400-B015.)

Hearing began at 10:42 a.m. and halted at 10:54 a.m.

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-335:

SUBJECT: Navajo Public Facilities Plan and Development Impact Fees.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-528) ADOPTED AS RESOLUTION R-290953

Adoption of a resolution approving the Navajo Public Facilities Plan and rescinding the existing and approving the proposed Development Impact Fees in the Navajo Community Planning Area.

CITY MANAGER SUPPORTING INFORMATION:

The Navajo Public Facilities Plan details the public facilities that will be needed through the ultimate development of the Navajo area and sets Development Impact Fees that will be charged to new development at the Building Permit stage. This plan has not been updated since it was adopted in 1987. As described in the "Navajo Public Facilities Plan," infrastructure improvements are needed in the transportation, park, library and fire categories.

FILE LOCATION: LAND - Navajo Community Plan (10)

COUNCIL ACTION: (Tape location: A400-B015.)

Hearing began at 10:42 a.m. and halted at 10:54 a.m.

CONSENT MOTION BY STEVENS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

NON-DOCKET ITEMS

None.

CLOSED SESSION ACTIONS

ITEM-CS-1: (R-99-460) ADOPTED AS RESOLUTION R-290956

A Resolution adopted by the City Council in Closed Session
on November 10, 1998:

Authorizing the City Manager to pay the sum of \$7,500.00 in
the settlement of each and every claim against The City of
San Diego, its agents and employees, resulting from personal
injury claim of Choung Bio Vu; authorizing the City Auditor
and Comptroller to issue one check in the amount of
\$7,500.00, made payable to Choung Bio Vu and Alex S. York,
his attorney, in full settlement of all claims.

Aud. Cert. 9900396

FILE LOCATION: MEET

ITEM-CS-2: (R-99-445) ADOPTED AS RESOLUTION R-290957

A Resolution adopted by the City Council in Closed Session
on November 10, 1998:

Authorizing the City Manager to pay the sum of \$54,187.69 in
the settlement of each and every claim against The City of
San Diego, its agents and employees, resulting from property
damage claim of Frank Chmura; authorizing the City Auditor
and Comptroller to issue one check in the amount of
\$54,187.69, made payable to Luth & Turley, Inc., in full
settlement of all claims.

Aud. Cert. 9900386

FILE LOCATION: MEET

ITEM-CS-3: (R-99-479) ADOPTED AS RESOLUTION R-290958

A Resolution adopted by the City Council in Closed Session
on November 10, 1998:

Authorizing the City Manager to pay the sum of \$77,029.47,
in full settlement of each and every claim against The City
of San Diego, its agents and employees, resulting from the
property damage claim of Geraldine Hird which occurred on
October 29, 1997; authorizing the City Auditor and
Comptroller to issue one check in the amount of \$77,029.47,
made payable to Luth & Turley, Inc., in full settlement of
all claims.

Aud. Cert. 9900385

FILE LOCATION: MEET

ADJOURNMENT

The meeting was adjourned by Deputy Mayor Wear at 12:52 p.m.
in honor of the memory of:

Micheal M. Lennon as requested by Deputy Mayor Wear;

Natasha Radcliff as requested by Council Member
Stallings; and

Ludolf Willem Scherpbier and Halpenny Kantor as
requested by Council Member Kehoe.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D432-445).